

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

E.D., :  
Plaintiff, : CIVIL ACTION NO. 16-2750  
v. :  
DANIEL SHARKEY, BERKS COUNTY :  
RESIDENTIAL CENTER-IMMIGRATION :  
FAMILY CENTER (BCRC-IFC), :  
COUNTY OF BERKS, PENNSYLVANIA, :  
THOMAS DECKER, ICE Field Office :  
Director, DIANE EDWARDS, Director of :  
BCRC-IFC, JEREMIAH / JOSH PETREY, :  
ICE Employee, JOHN BEHM, JAMIE :  
HIMMELBERGER, BRITTANY :  
ROTHERMEL, ERIKA TAYLOR, and :  
MATTHEW MALINOWSKI, :  
Defendants. :

**ORDER**

**AND NOW**, this 11th day of August, 2017, after considering the allegations in the third amended complaint (Doc. No. 60), the motion to dismiss of the defendant, Jeremiah Petrey (Doc. No. 64), the plaintiff's response to the motion (Doc. No. 67), and the defendant's reply (Doc. No. 69); accordingly, and for the reasons set forth in the separately-filed memorandum opinion, it is hereby **ORDERED** that the motion to dismiss of the defendant, Jeremiah Petrey (Doc. No. 64), is **GRANTED**. Count II against Petrey is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

*/s/ Edward G. Smith*  
EDWARD G. SMITH, J.